

REMARKS

The Specification has been amended to correct minor clerical errors. No new matter has been entered.

Claim 7 has been amended to obviate the 112 rejection and the objection to the drawings.

Claim 1 has been amended to incorporate the limitations of claim 5, thus rendering moot the rejection of claims 1, 3, 4 and 11 as obvious from Horiba with additional supporting evidence provided by Prasad et al., and the rejection of claim 10 as obvious from Horiba and further in view of Herdeg et al., and the rejection of claim 12 as obvious from Horiba and further in view of Gottesfeld.

This leaves the rejection of claims 5, 6, 8 and 9 as obvious from Horiba in view of Yonetsu et al. insofar as claim 1 has been amended to incorporate the features of claim 5. It is submitted that this rejection likewise is in error.

In rejecting the claims as obvious from Horiba in view of Yonetsu et al., the Examiner acknowledges that the primary reference Horiba fails to teach placing a shutter member on the fuel permeable film. As discussed in Amendment A, incorporated by reference, Horiba nowhere teaches or suggests that its "net" is a permeation control film that controls access of fuel flow. Notwithstanding, in order to advance prosecution, Applicant has incorporated the limitations of claim 5 into claim 1.

It is submitted that the secondary reference Yonetsu does not supply the missing teachings to Horiba to achieve rendered obvious claim 1, or any of the claims which depend thereon. In the rejection the Examiner refers to Yonetsu as teaching a shutter member which allegedly is structurally similar and "capable of functioning as claimed". The Examiner is in

error. In Yonetsu, the element that functions as a "shutter" is not placed on the fuel permeable film to control an exposed area of the fuel permeable film as required by Applicants' claims. Rather, in Yonetsu, the element that functions as a shutter (opening-closing lid 31) "is pushed upward so as to bring the outlet port of the tank 1 into contact with the permeating material connection pad 32". (column 10 lines 45-49). Thus, Applicants' claim 1 is structurally and functionally different. Accordingly, no combination of the applied art reasonably could be said to achieve rendered obvious claim 1 as amended.

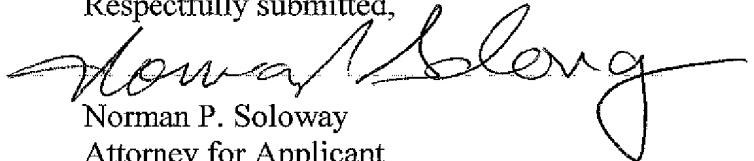
All of the remaining claims now depend on or are linked to claim 1. Accordingly, it is submitted that none of the claims can be said to be obvious from the applied art.

The foregoing amendment makes no claim changes that would require further search by the Examiner. Rather, Applicants have merely combined claims previously considered by the Examiner.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action is respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,

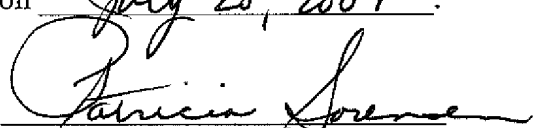


Norman P. Soloway
Attorney for Applicant
Reg. No. 24,315

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I hereby certify that this correspondence is being deposited with the United States Patent Office via the electronic filing procedure on July 28, 2009.

NPS:RAM:cjb:msn

By: 

HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE,
SUITE 140
TUCSON, AZ 85718
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567